

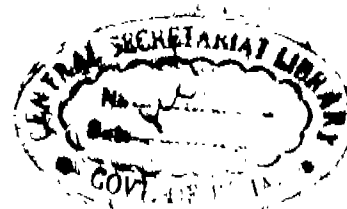


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इस भाग में दिए पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 1st December, 1995:—

BILL No. 52 OF 1995

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1995. Short title.
2. After article 30 of the Constitution, the following heading and article thereunder shall be inserted, namely:— Insertion of new article 31

“Right to basic amenities

“31. (1) Every citizen shall have the right to adequate potable water. Right to adequate potable water.

(2) The State shall, within a period of five years from the commencement of the Constitution (Amendment) Act, 1995, provide adequate number of wells or tubewells or handpumps or water taps or water tankers, as the case may be, in every village, taluk, tehsil and at the district level to make adequate potable water available to each citizen.”

STATEMENT OF OBJECTS AND REASONS

Water is one of the most essential elements for survival of all living creatures on earth. Our country also has plenty of water in ponds, lakes, rivers and seas. While most of the water of the rivers and seas goes waste in the absence of efficient water management, the lakes and ponds have been dilapidating over the years mainly due to lack of water consciousness among the people. There is acute shortage of potable water almost everywhere in the country including the metropolitan cities. In most of the villages of India particularly in Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Orissa, Rajasthan and Uttar Pradesh, villagers store rain water in ponds which they use mainly for drinking purposes. In the absence of any other option, they are compelled to use such stagnated, unhygienic water which is often infested with worms and insects.

In a welfare State like ours it is the duty of the State to fulfil the basic needs of its citizens. The State must, therefore, provide potable water to every citizen. Water is available in plenty.

If right to potable water is made a fundamental right, the State will have to provide it otherwise the villagers as well as urbanites may organise themselves and either collectively or individually move the courts to force the Government of the day to provide potable water to them. Similarly if water is included in the list of fundamental rights it will give a new directive to the Government to tackle this serious problem of the people.

Hence this Bill.

New Delhi

July 10, 1995.

SULTAN SALAHUDDIN OWAISI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the right to potable water to the citizens and also provides that the State shall provide adequate wells, tubewells, handpumps, taps and water tanks in every village, tehsil and at district levels. The Bill, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is expected that a recurring expenditure of rupees ten thousand crore will be involved from the Consolidated Fund of India per annum.

A non-recurring expenditure of about rupees fifty five crore is also likely to be incurred.

BILL No. 73 OF 1995

A Bill to provide for the prevention and control of spread of Acquired Immuno Deficiency Syndrome.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows :—

Short
title,
extent
and
com-
mence-
ment.

1. (1) This Act may be called the Acquired Immuno Deficiency Syndrome (Preventive Measures) Act, 1995.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Defini-
tions.

2. In this Act, unless the context otherwise requires,—

(a) “AIDS” means Acquired Immuno Deficiency Syndrome resulting from the presence of Human Immuno Deficiency Virus (HIV) antibodies or antigens in the body of a person;

(b) “appropriate Government” means the Central Government or the State Government, as the case may be;

(c) “blood bank” means a place where blood donated or sold by human beings is stored; and

(d) “HIV test” means the serological procedure followed for detection of Human Immuno Deficiency Virus (HIV) antibodies or antigens in the body of a person.

3. (1) The appropriate Government shall, by notification in the Official Gazette, appoint such person or authority, as it may deem fit, as the designated AIDS Controlling Authority.

Appoint-
ment of
design-
ated
AIDS
Controll-
ing Au-
thority.

(2) The designated AIDS Controlling Authority shall perform the following functions, namely:—

(a) to grant licence to the blood banks;

(b) to check, from time to time, that the blood banks are well-equipped and well-manned for conducting HIV tests; and

(c) such other functions, as may be entrusted to it, by the appropriate Government.

4. (1) No blood bank shall operate unless it has been granted a licence by the designated AIDS Controlling Authority:

Licence
for blood
banks.

Provided that before issuing a licence under this section, the designated AIDS Controlling Authority shall satisfy itself that the blood bank is well-equipped and well-manned for conducting HIV tests.

(2) If at any time after the licence is granted it is found that the blood bank is violating the conditions on which the licence was granted, the licence shall be liable to be withdrawn.

5. The appropriate Government shall give wide publicity to the ill effects of AIDS and inform the general public about such measures, as it may deem fit, to control and prevent the spread of AIDS.

Publicity
to ill
effects
of AIDS.

6. No person shall, on and from the date of commencement of this Act, use non-disposable syringes for the purpose of—

Ban on
use of
non-dis-
posable
syringes.

(a) injecting any medicine in human body; and

(b) taking out blood for conducting any pathological test.

7. The appropriate Government shall take such steps, as it may deem fit, in order to ensure that the disposable syringes are destroyed after single use.

Dispos-
able
Syringes
to be
destroyed
after
single
use.

8. Any person—

Punish-
ment.

(a) who violates the provisions of section 4 shall be punished with a fine which shall not be less than rupees one thousand and with imprisonment for a term which shall not be less than six months;

(b) who violates the provisions of section 6 shall be punished with fine which shall not be less than rupees one thousand.

STATEMENT OF OBJECTS AND REASONS

According to experts the silent invasion of AIDS has already begun in India. Immediate measures are required to check and control the spread of this fatal disease. There are three main channels through which the HIV virus passes from one body to another. Firstly, by transfusion of blood containing HIV virus; secondly, by unsafe sex; and thirdly, by use of non-disposable syringes. Therefore, in order to prevent the spread of AIDS, the blood in blood bank should be free from HIV virus. Condoms should be used to check the spread of HIV virus. It will also serve the additional purpose of birth control. This practice has successfully been practised in Japan. Use of disposable syringes will also help in controlling the spread of HIV virus from the body of an infected person to the body of a healthy person.

The Bill seeks to achieve the above objective.

NEW DELHI:

BASUDEB ACHARIA

August 3, 1995

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the appropriate Government shall give wide publicity to the ill effects of AIDS and inform the general public about such measures, as it may deem fit, to control and prevent the spread of AIDS. The expenditure on this count shall be met by the respective State Governments out of their Consolidated Funds. However, as regards the expenditure in Union territories, the Central Government shall have to incur the expenditure out of the Consolidated Fund of India. Further, the Central Government may have to assist the State Governments for carrying out the provisions of the said clause. The Bill, therefore, if enacted, would involve expenditure out of the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one crore per annum.

No non-recurring expenditure is likely to be involved.

BILL NO. 72 OF 1995

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows :—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1995.

Amend-
ment
of article
345.

2. In article 345 of the Constitution, after the existing proviso, the following proviso shall be added, namely:—

“Provided further that the languages, which have been declared as their mother tongue by not less than ten per cent. of the population of a State, or of any district, block or panchayat therein, and which have been recognised by the State for educational purposes, shall be declared as additional official languages of the State to be used in administration, for specified purposes, in the State as a whole or in specified parts thereof, as the case may be.”.

Omission
of article
347.

3. Article 347 of the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

All national languages recognised in the Constitution or by educational authorities are majority languages in one or more States but each one of them is a minority language in other States or Union territories. Also the States or the Union territories may have a majority language in the State but that language itself may constitute a minority within the same State, sometimes at the district and more often at the block and the Panchayat levels.

All linguistic groups have a common aspiration to be recognised officially in the field of education, mass information and administration atleast for specified purposes. Some States have taken ad hoc legislative and executive steps in this regard. What is needed is a national norm to eliminate frustration and agitation and to ensure that no linguistic group anywhere feels deprived.

Any language which is recognised by the State for educational purposes and declared by some people of the State as their mother tongue should have the status of additional official language (apart from the principal official language of the State) at the State, District, Block/Tehsil and Panchayat levels, if it is spoken by atleast 10 per cent. of the population at that level. The norm may also specify the limited purposes for which the additional official languages shall be used.

The implementation of such a norm will go a long way to give a sense of participation to the citizens who form a linguistic minority at the appropriate level, particularly under the Panchayati Raj institutions. It may be added that at the State level, nearly 20 per cent. of our population constitutes linguistic minorities but if the linguistic minorities at district, block, tehsil and panchayat level are to be added, the total proportion of linguistic minorities at various levels would be substantially higher.

The existing provision of article 347 of the Constitution has been rarely used while the linguistic minorities in all States have been frustrated in their effort to find an adequate place for their language in education and administration. It is, therefore, necessary to replace the recommendatory provision under article 347 by a mandatory provision under article 345 so that their legitimate aspirations can be fully accommodated.

Hence this Bill.

NEW DELHI;
August 24, 1995

SYED SHAHABUDDIN

R. C. BHARDWAJ,
Secretary-General.

